

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES

CRIMINAL ACTION

v.

NATHANIEL RODRIGUEZ

NO. 16-14

**ORDER**

**AND NOW**, this 29th day of October, 2020, upon consideration of defendant Nathaniel Rodriguez's *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 45, filed October 17, 2019), the Government's Response to Defendant's Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255 (Document No. 49, filed January 29, 2020), and defendant's Reply to the Government's Response (Document No. 50, filed February 21, 2020), for the reasons stated in the accompanying Memorandum dated October 29, 2020, **IT IS ORDERED** as follows:

1. Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **DENIED**; and
2. Defendant's request for an evidentiary hearing is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability shall not issue on the ground that defendant has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**